

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		10-CB-199203	5-22-2017
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name IUOE 917 and International Union of Operating Engineers		b. Union Representative to Contact David Rhea, President International President James Callahan	
c. Address 6830 Lee Pkwy W 1125 17 th Street NW Chattanooga, TN 37422 Washington, D.C. 20036		d. Tel. No. 423-893-6178 202-429-9100	e. Cell No.
		f. Fax No. 423-893-6178	g. e-Mail Cathie.cox@iuoe917.com
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) and (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practice)			
<p>Since about March 2017, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by operating a hiring hall in a manner that was arbitrary, discriminatory or in bad faith, by referring employees out of seniority order.</p> <p>Since about (b) (6), (b) (7)(C) 2017, the above-named labor organization has refused to refer (b) (6), (b) (7)(C) for employment with Chugach Federal Systems for reasons other than the failure to tender uniformly required initiation fees and periodic dues.</p>			
3. Name of Employer Chugach Federal Systems		4a. Tel. No. 907-563-8866	4b. Cell No.
		4c. Fax No. 907-563-8402	4d. e-Mail Daniel.fenza@chugachgov.com
5. Location of Plant involved (street, city, state, and ZIP code) 3800 Centerpoint Drive Ste 1200 Anchorage, AK 99503		6. Employer representative to contact Daniel Fenza, President	
7. Type of Establishment (factory, mine, wholesaler) warehouse	8. Principal product or service Logistics support		9. Number of Workers employed 500+
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	11b. Cell No.
		11c. Fax No.	11d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare the (b) (6), (b) (7)(C) statements therein are true to the best of my knowledge and belief.			
By (b) (6), (b) (7)(C)			Tel No. (b) (6), (b) (7)(C)

(signature of representative or person making charge)	Print/type name and title or office, if any (b) (6), (b) (7)(C)	Cell No.
Address: (b) (6), (b) (7)(C)	Date: 5/17/11	Fax No. (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 10
233 Peachtree St NE
Harris Tower Ste 1000
Atlanta, GA 30303-1504

Agency Website: www.nlr.gov
Telephone: (404)331-2896
Fax: (404)331-2858

June 9, 2017

Kevin Rich
1610 Wildwood Trail
Fort Oglethorpe, GA 30742-3446

Re: IUOE 917 and International Union of
Operating Engineers
(Chugach Federal Systems)
Case 10-CB-199203

Dear Mr. Rich:

We have carefully investigated and considered your charge that IUOE 917 and International Union of Operating Engineers has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the following reasons.

Your charge alleges that the Union violated Section 8(b)(1)(A) and (2) of the Act by refusing to refer you for employment with Chugach Federal Systems (the Employer) for arbitrary reasons. The evidence established that the Union did, in fact, refer you. However, based on information from other contractors familiar with your work history, and despite having initially requested you by name, the Employer exercised its option and rejected you for employment. There was no evidence presented or disclosed during the investigation to show that any animus that may have existed between you and the Union played a role in the Employer's decision. Thus, in the absence of any evidence that the Union acted arbitrarily or was unlawfully or discriminatorily motivated in referring you and, in doing so, caused or attempted to cause the Employer to discriminate against you in furtherance thereof, there is no basis for finding that the Union violated Section 8(b)(1)(A) and (2) of the Act.

For the above reasons, further proceedings are not warranted and, I am, therefore, refusing to issue complaint on this matter.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **June 23, 2017**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than June 22, 2017. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before June 23, 2017**. The request may be filed electronically through the **E-File Documents** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after June 23, 2017, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required

by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

A handwritten signature in black ink, appearing to read "Scott C. Thompson", written over a horizontal line.

SCOTT C. THOMPSON
Acting Regional Director

Enclosure

cc: David Rhea, President
IUOE Local 917
6830 Lee Pkwy W
Chattanooga, TN 37421-6769

Andrew Bucci, Assistant General Counsel
International Union Of Operating Engineers
1125 17th St NW Lobby 1
Washington, DC 20036-4786

Daniel Fenza, President
Chugach Federal Systems
3800 Centerpoint Dr Ste 1200
Anchorage, AK 99503-5825

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)